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HOUSE BILL 106

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

W. Ken Martinez

FOR THE JUDICIAL SYSTEM STUDY COMMITTEE

AN ACT

RELATING TO HUMAN RIGHTS; CHANGING THE COURT OF REVIEW FOR A DISTRICT COURT HUMAN RIGHTS APPEAL JUDGMENT; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 28-1-13 NMSA 1978 (being Laws 1969, Chapter 196, Section 12, as amended) is amended to read:

"28-1-13. APPEAL. --

A. ~~[Any]~~ A person aggrieved by an order of the commission may obtain a trial de novo by filing a notice of appeal in the district court of the county where the discriminatory practice occurred or where the respondent does business ~~[by filing a]~~. The notice of appeal must be filed within thirty days from the date of service of the commission's order. A copy of the notice of appeal shall be served

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 personally or by certified mail, return receipt requested, [at
2 ~~their last known address~~] on all parties who appeared before
3 the commission [and] at their last known address. A copy of
4 the notice of appeal shall also be served at the division
5 office in Santa Fe. [No] An order of the commission shall not
6 be superseded or stayed during the appeal unless the district
7 court so directs after notice to the commission and a hearing.

8 B. If testimony at the hearing was transcribed, the
9 division shall, upon receipt of the notice of appeal, file so
10 much of the transcript of the record as the parties requesting
11 the transcript designate as necessary for the appeal with the
12 district court.

13 C. Upon appeal, either party may request a jury.
14 The jurisdiction of the district court is exclusive and its
15 judgment is final, subject to further appeal to the [supreme]
16 court of appeals.

17 D. If the complainant prevails in [any] an action
18 or proceeding under this section [~~if the complainant prevails~~],
19 the court in its discretion may allow actual damages and
20 reasonable [attorney's] attorney fees, and the state shall be
21 liable the same as a private person. "